



MATTERS OF PROCEDURAL INTEREST

No. 4 — January to June 2013

Prepared by Chamber and Procedural Services Office

QUEENSLAND LEGISLATIVE ASSEMBLY PROCEDURAL BULLETIN

WORK OF THE HOUSE

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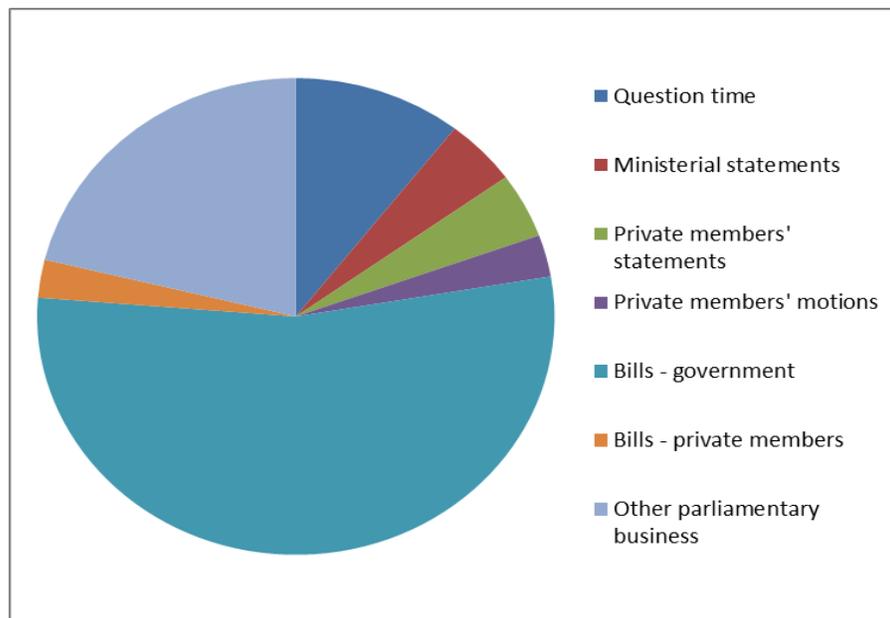
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Overview comparison

	1 Jan to 30 June 2013			1 Jul to 31 Dec 2012		
Sittings						
Sitting days	22			22		
Average duration per sitting day [hrs:mins]	10:45			10:50		
Legislation						
	1 Jan to 30 June 2013			1 Jul to 31 Dec 2012		
	Govt	PMB	Total	Govt	PMB	Total
Bills introduced	25	6	31	45	2	47
Bills passed	29	0	29	34	0	34
Bills referred to committees	22	5	27	42	2	44
Bills reported on by committees	27	0	27	65	2	67

Business Conducted

The following chart shows a breakdown of the business conducted during the period 1 January to 30 June 2013





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MEMBERS

Anticipating discussion

Standing Order 231 provides that a member may not anticipate the discussion of any subject which appears on the Notice Paper. The Speaker when determining whether a discussion is out of order on the ground of anticipation, shall have regard to the probability of the matter anticipated being brought before the House within a reasonable time and the degree to which the matter is likely to be anticipated.

However, the rule does not apply to prevent questions or debate which anticipate debate of the annual Appropriation Bills.

On 5 March 2013, the Speaker reminded a member not to anticipate the debate of a private members motion for debate later that evening.

Record of proceedings: 5 March 2013, 296
Standing Order 231

Sub judice rule

Standing Order 233 provides that members should exercise care to avoid saying inside the House that which would be regarded as contempt of court outside the house and could jeopardise court proceedings.

Specifically, members should not refer to matters awaiting or under adjudication in all courts exercising a criminal jurisdiction from the moment a charge is laid (SO 233(2)) and not refer to civil cases in courts of law where a jury is to be empanelled within the four weeks preceding the date fixed for trial (SO 233(3)).

The sub judice rule does not apply to proceedings of royal commissions and similar commissions and tribunals (SO233(5)).

The rule applies to motions, debate or questions. Speakers have also ruled the tabling of documents that contain sub judice material to be out of order.

On 5 March 2013, the Speaker ruled that a comment in regard to a matter currently before the courts was sub judice and warned a member to be careful in respect of current court cases and previous sub judice rulings.

Record of proceedings: 5 March 2013, 359
Standing Order 233

Correcting the record

Ethics committees have reported on the importance of members correcting the record at the earliest opportunity. A member who has the courage to recognise that they have done something wrong, whether deliberately or not, and takes appropriate action is to be strongly commended and supported.



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Members should rise at an appropriate point in proceedings to correct any incorrect or misleading statement that they have made during proceedings. Correcting the record should be done at the earliest opportunity and members should confer with the Chair for an appropriate time.

Between 1 January and 30 June 2013, there have been five occasions where members have corrected the record.

Record of proceedings: 6 March 2013, 381
7 March 2013, 521
19 March 2013, 668
21 March 2013, 834-835
4 June 2013, 1863

Unparliamentary language

The use of unbecoming or offensive language is considered highly disorderly and the Speaker may ask members to withdraw particular words or phrases that are considered unparliamentary. (Standing Order 234)

On 2 May 2013, the Speaker reminded members of Speaker Mickel's ruling that the behavior of one member in the House reflects on all members. Additionally, the Speaker reminded members of their responsibility to uphold the dignity of the House in the language and statements they use.

Members asked to withdraw unparliamentary words or comments must do so in an unreserved and unqualified way (Standing Order 235).

Record of proceedings: 2 May 2013, 1511-1512
Standing Order 234, 235

Points of order

Standing Order 248 provides that members may rise on a point of order at any time. A point of order is essentially a question as to whether the present proceedings are in order or allowed by the rules of the House or parliamentary procedure generally. An attempt to correct the record, allege that another member is misleading the House, put the member's own position on a matter, or introduce another topic or material is not a point of order.

On 17 April 2013, a member, not being present in the chamber, but having heard comments made by another member in the chamber that he found objectionable, made his way into the chamber and rose on a point order. The Speaker ruled that there was no point or order.

To raise a point of order, members must be present in the chamber at the time the alleged objectionable comments are made.

Record of proceedings: 17 April 2013, 1102-1103
Standing Orders 248, 249



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Referring to members by their correct title

Members must refer to other members by their correct title, either their ministerial or parliamentary office or their electorate. Words like 'he' or 'she' tend to indicate when this is not happening.

Record of proceedings: 6 June 2013, 2057
Standing Orders 244(7)

TABLED PAPERS

Timing of tabling and relevance

During question time on 16 April, there were two occasions when members sought to table documents on points of order which the Speaker ruled were not valid points of order. The Speaker provided a detailed ruling on the timing of tablings on 30 April.

In the detailed ruling the Speaker pointed out that members have an almost unfettered right to table documents, at least in the first instance. This is unlike other Parliaments where the tabling of documents is limited to particular types of documents or by ministers or otherwise by leave. The Speaker advised that if a member rises on a legitimate point of order or a matter of privilege suddenly arising and seeks to table a document that is relevant to that point of order or matter or privilege, then the member would ordinarily be allowed to table such a document. However, when documents are not immediately and obviously relevant to the point of order or matter or privilege, members will not be allowed to table such documents. Similarly, members will not be able to table documents in circumstances when there is a ruling that there is no point of order or there is not a legitimate matter of privilege.

The Speaker noted that in both the cases on 16 April, she had ruled that there was no point of order. Further, if *'members were able to table documents under such circumstances, rising under points of order or matters of privilege would become an artifice for tabling a document'*, and such actions *'could constitute an abuse of the rules of the House and the liberal rules regarding the tabling of documents.'*

On 22 May 2013, a Deputy Speaker ruled the tabling of documents by a member out of order during consideration in detail on the Liquor and Gaming (Red Tape Reduction) and Other Legislation Amendment Bill, as the documents were not relevant to the debate. The member was advised to table the documents during another appropriate time.

Record of Proceedings: 16 April 2013, 925 -26
30 April 2013, 1217-1218
22 May 2013, 1708-1709



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MOTIONS

Condolence motion, natural disaster events of 2013

On return from its summer recess on Tuesday 12 February 2013, the House immediately suspended all business after ministerial statements to enable the Premier to move a condolence motion on the natural disaster events. As a mark of respect, the debate on the motion began with a minute's silence. The condolence motion continued until 11.08pm that evening.

Record of proceedings: 12 February 2013, 13 – 114

Dissent motion - Dissent from Deputy Speaker's ruling

Standing Order 250 provides that a member may dissent from a ruling of the Speaker only by motion on notice. The notice of motion must be given within one sitting day from the day on which the ruling was given. The notice must be in writing and delivered to the Clerk for recording on the Notice Paper. (Standing Order 65(4) & (5)). The written notice of motion may be given by a member on another member's behalf at that member's request. (Standing Order 69) The motion must be considered within three sitting days from when notice was given.

On 23 May 2013, notice of dissent to a ruling by a Deputy Speaker made on 22 May during consideration in detail of the Liquor and Gaming (Red Tape Reduction) and Other Legislation Amendment Bill was lodged with the Clerk and subsequently published in the Notice Paper for 4 June. The ruling being dissented to was that a point of order requesting the Attorney-General to withdraw offensive words in reference to the Member for Condamine was not a point of order.

The motion was moved and resolved in the negative following a division. This was the first dissent motion debated in Queensland since 2007.

Record of proceedings: 22 May 2013, 1737
4 June 2013, 1892-1898
Standing Order 65, 69, 250

PRIVILEGE

On 13 February 2013, the Speaker advised the House that lodging matters of privilege with the Speaker as a political tactic against opponents is occurring increasingly and in the process the privileges of the House were being abused. The Speaker reminded members that they do have a right to raise matters of privilege but contempt of parliament is a very serious allegation that requires evidence, and suspicions or feelings are not evidence.



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Madam Speaker stressed that raising matters of privilege ought never be used simply as a method to further a political argument. Neither should it be construed that a referral to the Ethics Committee in some way insinuates a finding of guilt. Rather it is an indication that the matter requires the further attention of the House.

Record of Proceedings: 13 February 2013, 121
Standing Order 269

LEGISLATION

Bills declared urgent

Standing Order 137 provides that a bill may be declared urgent and pass through all stages with unusual expedition. A motion to declare a bill urgent may be debated.

Between 1 January and 30 June 2013, three bills were declared urgent upon introduction and not referred to a committee. The bills, all passed by the House in the week introduced were: the Queensland Reconstruction Authority Amendment Bill, the Crime and Misconduct Commission (Administrative Negligence Rectification) Amendment Bill and the Revenue Amendment and Trade and Investment Queensland Bill 2013.

Standing Order 137

Bill discharged – same question rule

Standing Order 87 provides that a question or amendment shall not be proposed which is the same as any question which, during the same session, has been resolved in the affirmative or negative. Similarly, no amendment, new clause or schedule to a bill shall be moved which is substantially the same as one already negatived by the House or which is inconsistent with one that has already been agreed to by the House. (Standing Order 250)

On 2 May 2013, the Speaker advised that the Restoring Fairness for Government Workers Bill 2013 dealt with substantially the same issues as those contained in the Industrial Relations (Fair Work Act Harmonisation) and Other Legislation Amendment Bill and the Public Service and Other Legislation Amendment Bill which the House passed last year. Further, the bill essentially sought to reverse the effects of the bills passed last year. Accordingly, the bill was discharged from the Notice Paper and its referral to the portfolio committee was also consequently discharged.

Record of Proceedings: 2 May 2013, 1512
Standing Order 87, 150, 170



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SESSIONAL ORDERS AND STANDING ORDERS

Amendments to Standing Orders

During this period, the House amended Standing Orders as follows:

- Schedule 6 was amended to reflect a new ministerial portfolio and area of responsibility
- Schedule 7 was replaced on 4 June 2013, amending entities to which direct questioning of chief executives at estimates hearings is to apply

Record of proceedings: 14 February 2013, 194
4 June 2013, 1866

COMMITTEES

Composition of committees

The number and composition of members on portfolio committees are determined in accordance with formulae contained in sections 89 to 91C of the *Parliament of Queensland Act 2001*. The formulae are based on the number of non-government members in the Assembly and are summarised in the following table:

	Members in the Assembly			
	(A) up to 13 non- govt	(B) 14 – 22 non-govt	(C) 23 – 44 non- govt	(D) 45 non-govt
Total on committee	8	7	6	6
government	6	5	3	3
Non-government	2	2	3	3

At the commencement of the 54th Parliament, the composition was according to formula (A). At the end of November 2012 the number of non-government members increased to a level whereby the formula in (B) was applicable. As members of the committees are appointed and discharged by order of the House, the membership could not be altered until the first sitting day in 2013. The Speaker made a statement that morning advising the House that the non-government members in the Assembly numbered 14 and section 91A of the Act was now applicable. A motion to effect the changes was agreed to on later that day.

Record of proceedings: 12 February 2013, 2



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QUESTIONS AND ANSWERS

Speaker's ruling – hypothetical matters

Standing Order 115 (b)(v) provides that questions must not contain hypothetical matters.

On 5 March 2013, the Speaker ruled a question without notice out of order on the grounds that the question was hypothetical in the way that the member premised it.

Record of proceedings: 5 March 2013, 290
Standing Order 115 (b) (v)

Speaker's ruling – imputations

Standing Order 115 (b)(iv) provides that questions must not be contain imputations.

On 5 June 2013, the Speaker ruled a question out of order on the grounds that it contained a clear imputation. On 6 June 2013, the Speaker asked a member to rephrase a question which contained an imputation.

Record of proceedings: 5 June 2013, 1934
6 June 2013, 2056
Standing Order 115 (b) (iv)

Speaker's ruling –scope of questions

Standing Order 113 provides that questions must relate to the public affairs with which the minister is officially connected or to any matter of administration for which the minister is responsible.

On 7 March 2013, the Speaker allowed a question without notice but later advised the House that technically the question should not have been allowed as questions should relate to a matter of administration for which the minister is responsible.

Record of proceedings: 7 March 2013, 474-475
Standing Order 113

Speaker's ruling – anticipating debate

Standing Order 115(g) provides that questions may be asked to elicit information regarding business pending on the Notice Paper, but debate on the matter must not be anticipated.

On 18 April 2013, the Speaker ruled a question without notice out of order on the basis that it was pre-empting the debate of a bill before the House.

Record of proceedings: 18 April 2013, 1131
Standing Order 115 (g)